

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM)
MOTORS, INC., and MATTINGLY AUTO)
SALES, INC., individually and on behalf of other)
members of the general public similarly situated,)

Plaintiffs,)

v.)

Case No. 1:14-cv-01589-TWP-DML

COX AUTOMOTIVE, INC., NEXTGEAR)
CAPITAL, INC. F/K/A DEALER SERVICES)
CORPORATION, successor by merger with)
Manheim Automotive Financial Services, Inc.,)
and JOHN WICK,)

Defendants.)

JOINT MOTION TO RESET WITNESS AND EXHIBIT LIST DEADLINE

The parties respectfully request that the Court reset the deadline for the parties to submit final witness and exhibit lists.¹ In support of this motion, the parties show as follows:

1. On June 21, 2017, Plaintiffs filed a Motion to Continue Final Pretrial Conference and Bench Trial Settings [Doc. 213]. Defendants joined in that motion and filed a response on June 23, 2017 [Doc. 215]. The Court granted the motion to continue on June 29, 2017 [Doc. 219]. In its Order, the Court rescheduled the pretrial conference and the trial date.

2. Although the rescheduled pretrial conference date automatically adjusts many of the pretrial deadlines, the Court did not expressly address or reset the deadline to file final

¹ The parties stipulate that, by filing this procedural motion to reset the witness and exhibit list deadline, Defendants do not waive any rights they may have to seek arbitration of the claims of certain class members and Plaintiffs do not waive any rights to oppose any arbitration-related motions on any grounds other than the parties' filing of this motion.

witness and exhibit lists. Under the current schedule, that deadline is currently July 5, 2017.

[Doc. 177.]

3. In light of the new trial date, the parties request that the Court reset the deadline to file final witness and exhibit lists accordingly. The parties respectfully suggest that a new deadline of October 6, 2017 would be consistent with prior scheduling orders in terms of the length of time before trial.

WHEREFORE, the parties respectfully request that the Court enter the attached Proposed Order and reset the deadline to file final witness and exhibit lists.

Respectfully submitted, this 29th day of June, 2017.

s/ Tracey K. Ledbetter

David J. Jurkiewicz (18018-53)

Paul D. Vink (23785-32)

BOSE McKINNEY & EVANS LLP

111 Monument Circle, Suite 2700

Indianapolis, IN 46204

Telephone: (317) 684-5000

Facsimile: (317) 684-5173

djurkiewicz@boselaw.com

pvink@boselaw.com

Jason S. McCarter (*pro hac vice*)

Tracey K. Ledbetter (*pro hac vice*)

EVERSHEDS SUTHERLAND (US) LLP

999 Peachtree Street, NE, Suite 2300

Atlanta, GA 30309-3996

Telephone: (404) 853-8000

Facsimile: (404) 853-8806

jasonmccarter@eversheds-sutherland.com

traceyledbetter@eversheds-sutherland.com

*Attorneys for Defendants Cox Automotive, Inc.,
NextGear Capital, Inc. f/k/a Dealer Services
Corporation, and John Wick*

s/ Catherine E. Lasky (w/ express permission)

Catherine E. Lasky (*pro hac vice*)

Kerry A. Murphy (*pro hac vice*)

LASKY MURPHY LLC

715 Girod Street, Suite 250

New Orleans, Louisiana 70130

Telephone: (504) 603-1500

Facsimile: (504) 603-1503

klasky@laskymurphy.com

kmurphy@laskymurphy.com

James M. Garner (*pro hac vice*)

Ryan D. Adams (*pro hac vice*)

Matthew M. Coman (*pro hac vice*)

Jacob A. Airey (*pro hac vice*)

SHER GARNER CAHILL RICHTER KLEIN &
HILBERT, L.L.C.

909 Poydras Street, Suite 2800

New Orleans, Louisiana 70112

Telephone: (504) 299-2100

Facsimile: (504) 299-2300

jgarner@shergarner.com

radams@shergarner.com

mcoman@shergarner.com

Gladstone N. Jones, III (*pro hac vice*)

Lynn E. Swanson (*pro hac vice*)

JONES, SWANSON, HUDDALL &
GARRISON, L.L.C.

601 Poydras Street, Suite 2655

New Orleans, Louisiana 70130

Telephone: (504) 523-2500

Facsimile: (504) 523-2508

gjones@jonesswanson.com

lswanson@jonesswanson.com

Kathleen A. DeLaney (#18604-49)

DELANEY & DELANEY LLC

3646 North Washington Blvd.

Indianapolis, IN 46205

Telephone: (317) 920-0400

Facsimile: (317) 0404

Kathleen@delaneylaw.net

Cassie E. Felder (*pro hac vice*)

THE CASSIE FELDER LAW FIRM

7515 Jefferson Hwy., #313
Baton Rouge, LA 70806
Main: (504) 232-1733
Cell: (504) 400-1127
cassie@cassiefelderlaw.com

Attorneys for Plaintiffs and the Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Court's electronic service notification system, this 29th day of June, 2017:

Ryan D. Adams
James M. Garner
Matthew M. Coman
Jacob A. Airey
SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.
radams@shergarner.com
jgarner@shergarner.com
mcoman@shergarner.com
jairey@shergarner.com

Catherine E. Lasky
Kerry A. Murphy
LASKY MURPHY LLC
klasky@laskymurphy.com
kmurphy@laskymurphy.com

Cassie E. Felder
LUGENBUHL, WHEATON, PECK,
RANKIN & HUBBARD
cfelder@lawla.com

Gladstone N. Jones, III
Lynn E. Swanson
JONES, SWANSON, HUDDALL &
GARRISON, LLC
gjones@jonesswanson.com
lswanson@jonesswanson.com

Kathleen A. DeLaney
DELANEY & DELANEY LLC
Kathleen@delaneylaw.net

Lisa Brener
BRENER LAW FIRM, LLC
lbrener@brenerlawfirm.com

s/ Tracey K. Ledbetter
Tracey K. Ledbetter